

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

F'REAL FOODS, LLC and
RICH PRODUCTS CORPORATION,

Plaintiffs,

V.

**HAMILTON BEACH BRANDS, INC.,
HERSHEY CREAMERY COMPANY and
PAUL MILLS d/b/a MILLS BROTHERS
MARKETS,**

Defendants.

C.A. No. 16-41 (CFC)
CONSOLIDATED

VERDICT FORM

I. FINDINGS ON INFRINGEMENT CLAIMS**A. '662 PATENT - INFRINGEMENT****Question 1(a) ('662 Direct Infringement):**

Did Plaintiffs prove, by a preponderance of the evidence, that Defendants are liable for literal infringement of Claim 21 of the '662 patent by use of the MIC2000 by Defendants, consumers, and retailers to perform the claimed method?

("YES" is a finding in favor of Plaintiffs, and "NO" is a finding in favor of the Defendants. See Jury Instructions Section 4.2.3)

'662 Patent Claim	Infringed? (Answer "YES" or "NO")
	MIC2000
Claim 21	yes

Question 1(b) ('662 Direct Infringement):

Did Plaintiffs prove, by a preponderance of the evidence, that Defendants are liable for literal infringement of Claim 21 of the '662 patent by use of the BIC2000, BIC3000-DQ, or IMI2000 by Defendants and retailers to perform the claimed method?

("YES" is a finding in favor of Plaintiffs, and "NO" is a finding in favor of the Defendants. See Jury Instructions Section 4.2.3)

'662 Patent Claim	Infringed? (Answer "YES" or "NO" to Each)		
	BIC2000	BIC3000-DQ	IMI2000
Claim 21	yes	yes	yes

Continue to the next question.

B. '150 PATENT - INFRINGEMENT**Question 2(a) ('150 Direct Infringement):**

Did Plaintiffs prove, by a preponderance of the evidence, that the MIC2000, BIC2000, or BIC3000-DQ infringe any of the following claims of the '150 patent?

With respect to this patent only, infringement of independent Claim 15 is not contested. Therefore, you only need to determine whether the MIC2000, BIC2000, or BIC3000-DQ meet the additional limitations in Claims 20 and 22.

("YES" is a finding in favor of Plaintiffs, and "NO" is a finding in favor of the Defendants. See Jury Instructions Section 4.2.1)

'150 Patent Claim	Infringed? (Answer "YES" or "NO" to Each)		
	MIC2000	BIC2000	BIC3000-DQ
Claim 20	yes	yes	yes.
Claim 22	yes	yes	yes

Continue to the next question.

Question 2(b)

If you found Claim 22 of the '150 Patent infringed, indicate below whether infringement was based on literal infringement or infringement under the doctrine of equivalents.

(See Jury Instructions Section 4.2.4)

	Literal	Doctrine of Equivalents
Claim 22	—	yes

Continue to the next question.

C. '658 PATENT - INFRINGEMENT**Question 3(a) ('658 Direct Infringement – Apparatus Claims):**

Did Plaintiffs prove, by a preponderance of the evidence, that the MIC2000, BIC2000, BIC3000-DQ, or IMI2000 infringe any of the following apparatus claims of the '658 patent?

("YES" is a finding in favor of Plaintiffs, and "NO" is a finding in favor of the Defendants. See Jury Instructions Sections 4.2.1 and 4.2.4)

'658 Patent Claim	Infringed? (Answer "YES" or "NO" to Each)			
	MIC2000	BIC2000	IMI2000	BIC3000-DQ
Claim 1	yes	yes	yes	yes
Claim 5	yes	yes	yes	yes.

Continue to the next question.

Question 3(b) ('658 Direct Infringement – Method Claims):

Did Plaintiffs prove, by a preponderance of the evidence, that Defendants infringe any of the following claims of the '658 patent by using the MIC2000, BIC2000, BIC3000-DQ, or IMI2000 to perform the claimed method?

("YES" is a finding in favor of Plaintiffs, and "NO" is a finding in favor of the Defendants. See Jury Instructions Sections 4.2.1 and 4.2.4)

'658 Patent Claim	Infringed? (Answer "YES" or "NO" to Each)	
Claim 6	yes	
Claim 10	yes	
Claim 11	yes	

Continue to the next question.

Question 3(c)

For each claim of the '658 Patent you found infringed, indicate below whether infringement was based on literal infringement or infringement under the doctrine of equivalents.

(See Jury Instructions Section 4.2.4)

	Literal	Doctrine of Equivalents
Claim 1	—	yes
Claim 5	—	yes
Claim 6	yes	—
Claim 10	yes	—
Claim 11	yes	—

Continue to the next question.

D. '377 PATENT - INFRINGEMENT**Question 4 ('377 Direct Infringement):**

Did Plaintiffs prove, by a preponderance of the evidence, that the MIC2000 literally infringes any of the following claims of the '377 patent?

("YES" is a finding in favor of Plaintiffs, and "NO" is a finding in favor of the Defendants. *See* Jury Instructions Sections 4.2.1 and 4.2.5)

'377 Patent Claim	Infringed? (Answer "YES" or "NO" to Each)
Claim 1	No
Claim 11	No

Continue to the next question.

II. FINDINGS ON VALIDITY**A. '150 PATENT - VALIDITY****Question 5 (Validity of '150 Patent):**

Did Defendants prove, by clear and convincing evidence, that any claims of the '150 patent are invalid as obvious in light of the prior art presented?

("YES" is a finding in favor of Defendants, and "NO" is a finding in favor of the Plaintiffs. See Jury Instructions Section 5.3)

'150 Patent Claim	Invalid? (Answer "YES" or "NO" to Each)
Claim 15	No
Claim 20	No
Claim 22	No

Continue to the next question.

B. '377 PATENT - VALIDITY**Question 6 (Validity of '377 Patent):**

Did Defendants prove, by clear and convincing evidence, that any claims of the '377 patent are invalid as obvious in light of the prior art presented?

("YES" is a finding in favor of Defendants, and "NO" is a finding in favor of the Plaintiffs. See Jury Instructions Section 5.3)

'377 Patent Claim	Invalid? (Answer "YES" or "NO" to Each)
Claim 1	No
Claim 11	No

Continue to the next question.

III. DAMAGES

Question 7(a) (Lost Profits Entitlement):

Have Plaintiffs proven, by a preponderance of the evidence, that they are entitled to their lost profits for Defendants' infringement?

("YES" is a finding in favor of Plaintiffs, and "NO" is a finding in favor of the Defendants. See Jury Instructions Section 6.2)

Yes X No _____

Question 7(b) (Lost Profits Amount):

If you answered "YES" for Question 7(a) above, what amount of lost profits would you award to compensate Plaintiffs for Plaintiffs' lost profits caused by Defendants' infringement?

(See Jury Instructions Section 6.6.)

Total Lost Profits	\$ <u>2,988,869</u>
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Question 8 (Reasonable Royalty):

For any infringement that is not compensated by lost profits above, what amount do you determine to be a reasonable royalty amount to compensate Plaintiffs for Defendants' infringement?

(See Jury Instructions Section 6.10)

Total Reasonable Royalty	\$ <u>245,000</u>
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Continue to the next question.

IV. WILLFUL INFRINGEMENT

Question 9:

Have Plaintiffs proven by a preponderance of the evidence that Defendant Hamilton Beach willfully infringed any of the Asserted Claims?

(Answering “YES” is a finding in favor of Plaintiffs, and “NO” is a finding in favor of Defendant Hamilton Beach. *See* Jury Instructions Section 4.3)

YES _____ NO ~~X~~ _____

Question 10:

Have Plaintiffs proven by a preponderance of the evidence that Defendant Hershey Creamery willfully infringed any of the Asserted Claims?

(Answering “YES” is a finding in favor of Plaintiffs, and “NO” is a finding in favor of Defendant Hershey Creamery. *See* Jury Instructions Section 4.3)

YES _____ NO ~~X~~ _____

You have now reached the end of the verdict form and you should review it to ensure that it accurately reflects your unanimous determinations. All jurors should then sign the verdict form in the space below and notify the Court Security Officer that you have reached a verdict. The Foreperson should retain possession of the verdict form and bring it to the courtroom with the jury.

Dated: 05/03/2019

Signed:

Foreperson _____

Juror _____

Juror _____

Juror _____

Juror _____

Juror _____

Juror _____

Juror _____